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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Sharon R. Thompson

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

~~N/A~~ James D. Thompson

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

James D. Thompson – Power of Attorney

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

[James D. Thompson personal representative] TX

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

TX

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

TX

7. District Court and Division in which venue would be proper absent direct filing:

USDC for the Northern District of Texas – Fort Worth Division

8. Defendants (check Defendants against whom Complaint is made):

⊗ C.R. Bard Inc.

⊗ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

⊗ Diversity of Citizenship

Other:

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- Recovery® Vena Cava Filter
- G2® Vena Cava Filter
- G2® Express Vena Cava Filter
- G2® X Vena Cava Filter
- Eclipse® Vena Cava Filter
- Meridian® Vena Cava Filter
- Denali® Vena Cava Filter
- Other: _____

11. Date of Implantation as to each product:

01/08/2009

12. Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability – Manufacturing Defect
- Count II: Strict Products Liability – Information Defect (Failure to Warn)

- Count III: Strict Products Liability – Design Defect
- Count IV: Negligence - Design
- Count V: Negligence - Manufacture
- Count VI: Negligence – Failure to Recall/Retrofit
- Count VII: Negligence – Failure to Warn
- Count VIII: Negligent Misrepresentation
- Count IX: Negligence *Per Se*
- Count X: Breach of Express Warranty
- Count XI: Breach of Implied Warranty
- Count XII: Fraudulent Misrepresentation
- Count XIII: Fraudulent Concealment
- Count XIV: Violations of Applicable TX _____ (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- Count XV: Loss of Consortium**
- Count XVI: Wrongful Death
- Count XVII: Survival
- Punitive Damages
- Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

1 _____
2 _____
3 _____
4 _____
5 _____

6 13. Jury Trial demanded for all issues so triable?

7 Yes

8 No

9 RESPECTFULLY SUBMITTED this 13th day of September, 2016.

10 **MATTHEWS & ASSOCIATES**

11 By: /s/ David P. Matthews

12 David P. Matthews
2905 Sackett St.
Houston, TX 77098

13 **FREESE & GOSS, PLLC**

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16 *Attorneys for Plaintiffs*

1 I hereby certify that on this 13th day of September, 2016, I electronically transmitted
2 the attached document to the Clerk's Office using the CM/ECF System for filing and
3 transmittal of a Notice of Electronic Filing.

4 */s/ David P. Matthews*
5 David P. Matthews

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